

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIMBERLY LEWIS,

Plaintiff,

v.

THE RITZ-CARLTON CENTRAL PARK,

Defendant.

Civil Action No.: 08 Civ. 3793 (RMB)(DF)

ANSWER

Defendant, THE RITZ-CARLTON CENTRAL PARK ("Defendant"), by and through its counsel, VENABLE LLP, hereby answers the Complaint For Employment Discrimination ("Complaint") as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph I.(A.) of the Complaint.
2. Denies the allegations contained in paragraph I.(B.) of the Complaint.
3. Admits that Plaintiff was formerly employed at a Ritz-Carlton hotel located at 50 Central Park South, New York, New York 10019, but denies the remaining allegations contained in paragraph I.(C.) of the Complaint.
4. Denies the allegations contained in paragraph II.(A.) of the Complaint.
5. Denies the allegations contained in paragraph II.(B.) of the Complaint.
6. Admits the allegations contained in paragraph II.(C.) of the Complaint, but denies that Defendant committed any of the alleged "acts" against Plaintiff.
7. Denies the allegations contained in paragraph II.(D.) of the Complaint.
8. Denies the allegations contained in paragraph II.(E.) of the Complaint.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph III.(A.) of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph III.(B.) of the Complaint.

11. Paragraph III.(C.) does not require a response because Plaintiff is not asserting a claim for age discrimination. To the extent a response is required, Defendant's deny the allegations contained in paragraph III.(C.) of the Complaint.

12. Denies the allegations contained in paragraph IV. of the Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim or cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction because the named Defendant did not employ Plaintiff.

THIRD AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims are barred by the applicable statute of limitations.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to some or all of the relief sought in the Complaint.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to some or all of the relief sought in the Complaint because she failed to mitigate her damages.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's allegations and claims are barred by the doctrines of collateral estoppel and/or *res judicata*.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, because Defendant did not encourage, condone, authorize or otherwise ratify any of the alleged wrongful behavior about which Plaintiff complains.

EIGHTH AFFIRMATIVE DEFENSE

Assuming that impermissible factors were motivating factors for any employment decision taken with respect to Plaintiff, Defendant would have taken the same action regardless of Plaintiff's protected status or activity.

NINTH AFFIRMATIVE DEFENSE

Defendant took reasonable steps to prevent and promptly correct harassment in the workplace and Plaintiff unreasonably failed to take advantage of Defendant's preventive or corrective measures.

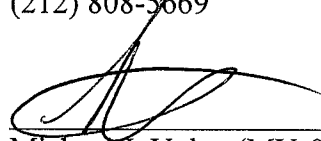
WHEREFORE, Defendant respectfully requests that this Court dismiss the Complaint in its entirety with prejudice and grant it such other and further relief, including attorneys' fees and costs, that this Court deems just and proper.

Dated: July 17, 2008
New York, New York

Respectfully submitted,

VENABLE LLP
Rockefeller Center
1270 Avenue of the Americas, 25th Floor
New York, New York 10020
(212) 808-5669

By:

A handwritten signature in black ink, appearing to read 'Michael J. Volpe', is written over a horizontal line.

Michael J. Volpe (MV-0171)
Shaffin A. Datto (SD-6929)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Shaffin A. Datto, hereby certify that on July 17, 2008, I served a true and accurate copy of the within **Answer** upon:

Ms. Kimberly Lewis
582 St. Nicholas Avenue, #407
New York, New York 10030

via first class mail by placing same in a pre-paid envelope addressed to Ms. Lewis and by depositing same in an official depository under the exclusive care and custody of the United States Postal Service.



SHAFFIN A. DATOO